

Tia Smith  
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Los Angeles, California 90008  
Tel: 323-803-3027  
Fax: 323-295-0517  
myfathersdiamond@msn.com

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: Case No.: 1:12-BK-12020(MG)  
RESIDENTIAL CAPITAL, LLC, et al. Chapter 11  
Debtors. Jointly Administered

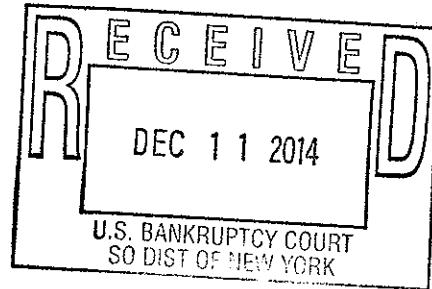
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**DESIGNATION OF RECORD ON APPEAL**

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Tia Smith ("Appellant") elects to use the following method of providing the Court of Appeal [Case No. 14CV9711] with a record of the documents filed in the United States Bankruptcy Court Southern District of New York:

- A. The Clerk's Transcript**
- B. The Reporter's Transcript**



Appellant respectfully requests that the clerk's transcript and the reporter's transcript be provided to her at no cost because she cannot afford to pay these costs. Appellant previously filed a request to proceed in forma pauperis on 12/01/2014.

**Notice Designating Clerk's Transcript**

<b><i>Document No.</i></b>	<b><i>Document Title and Description</i></b>	<b><i>Date Filed</i></b>
(1) 7832	<b>NOTICE OF APPEAL</b>	12/01/2014
(2) 7833	<b>REQUEST TO PROCEED IN FORMA PAUPERIS RE: NOTICE OF APPEAL</b>	12/01/2014
(3) 7795	<b>(OrderAppealed from)</b> <b>ORDER DENYING MOTION OF TIA SMITH FOR RECONSIDERATION</b>	11/24/2014
(4) 7598	<b>(OrderAppealed from)</b> <b>MEMORANDUM OPINION AND ORDER SUSTAINING IN PART AND OVERRULING IN PART OBJECTION TO CLAIMS 3889, 4129, 4134, AND 4139 FILED BY TIA SMITH</b>	10/01/2014

(5) 7699

**LETTER TO COURT**

10/30/2014

(6) 7691

**MOTION FOR RECONSIDERATION OF THE MEMORANDUM  
OPINION AND ORDER SUSTAINING IN PART AND OVERRULING IN  
PART THE RESCAP BORROWER CLAIMS TRUST'S SIXTY-NINTH  
OMNIBUS OBJECTION TO PROOF OF CLAIM NUMBERS 3889, 4129,  
4134 and 41391984 FILED BY TIA SMITH**

10/28/2014

(7) 7410

**RESCAP BORROWER CLAIMS TRUST'S OMNIBUS REPLY IN  
SUPPORT OF ITS SIXTY-NINTH OMNIBUS OBJECTION TO CLAIMS  
(NO-LIABILITY BORROWER CLAIMS) AS TO CLAIM NOS. 292, 1279,  
1466, 3889, 4129, 4134, AND 4139**

08/21/2014

(8) 7300

**TIA SMITH'S OPPOSITION AND RESPONSE TO THE RESCAP  
BORROWER CLAIMS TRUST'S SIXTY-NINTH OMNIBUS OBJECTION  
TO CLAIM NUMBERS 3889, 4129, 4134 and 4139 (NO LIABILITY  
BORROWER CLAIMS)**

07/24/2014

(9) 7188

**NOTICE OF RESCAP BORROWER CLAIMS TRUST'S SIXTY-NINTH  
OMNIBUS OBJECTION TO CLAIMS (NO LIABILITY BORROWER  
CLAIMS) and RESCAP BORROWER CLAIMS TRUST'S SIXTY-NINTH  
OMNIBUS OBJECTION TO CLAIMS (NO LIABILITY BORROWER  
CLAIMS)**

06/25/2014

(10) Proof of Claim No. 4139

General Unsecured Claim against GMAC Mortgage LLC

11/09/2014

(11) Proof of Claim No. 4134

General Unsecured Claim against Homecomings Financial LLC

11/09/2014

(12) Proof of Claim No. 4129

General Unsecured Claim against Residential Funding Company LLC

11/09/2014

(13) Proof of Claim No. 3889

General Unsecured Claim against Residential Accredit Loans Inc.

11/09/2014

**Notice Designating Reporter's Transcript**

Appellant respectfully requests that the reporters provide her a copy of the reporter's transcript in paper format and a second copy in computer-readable format.

Appellant respectfully requests that the following proceeding in the United States Bankruptcy Court Southern District of New York be included in the reporter's transcript:

**THE RESCAP BORROWER CLAIMS TRUST'S SIXTY-NINTH OMNIBUS OBJECTION TO CLAIMS (NO LIABILITY BORROWER CLAIMS) and RESCAP BORROWER CLAIMS TRUST'S SIXTY-NINTH OMNIBUS OBJECTION TO CLAIMS (NO LIABILITY BORROWER CLAIMS)**

Hearing held on 08/26/2014

Respectfully submitted,

Dated at Los Angeles this 10<sup>th</sup> day of December, 2014

  
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Tia Smith

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: Case No.: 1:12-BK-12020(MG)  
RESIDENTIAL CAPITAL, LLC, et al. Chapter 11  
Debtors. Jointly Administered

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**STATEMENT OF ISSUES ON APPEAL**

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Tia Smith ("Appellant") makes the following Statement of Issues on Appeal from the Order Sustaining the "**RESCAP BORROWER CLAIMS TRUST'S SIXTY-NINTH OMNIBUS OBJECTION TO CLAIMS (NO LIABILITY BORROWER CLAIMS)** and **RESCAP BORROWER CLAIMS TRUST'S SIXTY-NINTH OMNIBUS OBJECTION TO CLAIMS (NO LIABILITY BORROWER CLAIMS)**", docket no. 7188 entered on 10/01/2014 and the "**ORDER DENYING MOTION OF TIA SMITH FOR RECONSIDERATION**", docket no. 7795 entered on 11/24/2014:

1. Did the bankruptcy court abuse its discretion by denying Appellant's motion for reconsideration?
2. Did the bankruptcy court err by sustaining Debtors' objection in its entirety to all of her claims with the exception of her UCL claim thereby ruling Appellant failed to state a plausible basis for the Debtors' liability?
3. Did the bankruptcy court err by sustaining Debtors' objection to Appellant's claims asserting they were time barred without considering her allegations of delayed discovery?
4. Did the bankruptcy court err by misinterpreting Appellant's motion for reconsideration as an opportunity to reargue her claims?
5. Did the bankruptcy court abuse it discretion in ignoring Appellant's contention of the immediate need to correct clear errors of law and examine or reexamine data that the court may have overlooked to prevent manifest injustice?
6. Did the bankruptcy court err in its reasoning that the Trust provided sufficient evidence to establish their lack of liability, the untimeliness of several of Appellant's Claims, and that the Trust also established that certain of Appellant's Claims lacked merit?
7. Did the bankruptcy court err in not allowing Appellant to refute the Debtors' allegations in their reply to Appellant's response to their objections?

Appellant contends the Bankruptcy Court's Order sustaining Debtors, Homecomings Financial LLC, GMAC Mortgage, LLC, Residential Funding, LLC and Residential

Accredit Loans Inc.'s objections and the denial of her motion for reconsideration clearly demonstrates an egregious example of judicial bias in favor of Debtors.

Respectfully submitted,

Dated at Los Angeles this 10<sup>th</sup> day of December, 2014



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Facsimile: (323) 295-0517  
Email: myfathersdiamond@msn.com

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY that a true and correct copy was mailed on December 10, 2014**

**to:**

United States Bankruptcy Court for the  
Southern District of New York  
Alexander Hamilton Custom House  
One Bowling Green  
New York, New York 10004-1408

Counsel to the ResCap Borrower Claims Trust  
Morrison & Foerster LLP  
250 West 55<sup>th</sup> Street  
New York, New York 10019  
Attention: Norman S. Rosenbaum and Jordan A. Wishnew

The Office of the United States Trustee for the  
Southern District of New York  
U.S. Federal Office Building  
201 Varick Street  
Suite 1006  
New York, New York 10014  
Attention: Linda A. Riffkin and Brian S. Masumoto

The ResCap Borrower Claims Trust  
Polisinelli PC  
900 Third Avenue  
21<sup>st</sup> Floor  
New York, New York 10022  
Attention: Daniel J. Flanigan

Dated: December 10, 2014



Tia Smith, Claimant

**CERTIFICATE OF SERVICE**

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Counsel to the ResCap Borrower Claims Trust  
Morrison & Foerster LLP  
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New York, New York 10019  
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Polsinelli PC  
900 Third Avenue  
21<sup>st</sup> Floor  
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Attention: Daniel J. Flanigan

Dated: December 10, 2014



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Tia Smith, Claimant